IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5916 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ANWARALI PREMJIBHAI

Versus

MAHUVA AGRI. PRODUCE MARKET

Appearance:

1. Special Civil Application No. 5916 of 1989

MR SURESH M SHAH for Petitioner No. 1-5

MR TUSHAR MEHTA for Respondent No. 1

MR UDAY BHATT, A.G.P. for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 28/10/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

By way of this petition the petitioners have

prayed that a writ of mandamus or any other writ, order or direction be issued to the respondent No.1 directing it not to recover any market fees from the petitioners on the potatoes sold by them in the vegetable market at Mahuva.

Learned Counsel Shri S.M.Shah for the petitioner submitted that this petition is squarely covered in favour of the petitioners by Division Bench Judgment of this Court in the case of M/S. DOSHI KANTILAL RATILAL & ORS. v/s. STATE OF GUJARAT & ORS., reported in 1994 (2) GLR 1706. Having carefully gone through the same, neither Shri Tushar Mehta for the respondent No.1 nor Shri Uday Bhatt for the respondent No.2 was in a position to controvert the said statement.

In view of the above, this petition is allowed in terms of Division Bench of this Court in case of M/s. Doshi Kantilal (supra). Accordingly, it is allowed by granting prayers made in Para : 12(a) & (b). Rule made absolute accordingly. No order as to costs.

(B.J.Shethna, J.)

Date ; October 28, 2004

(Sharad D.Dave, J.)

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